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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,859	11/17/2006	Fabio Amiconi	102792-501 (11233P6 US)	4456
27389 7590 11/26/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022				
EXAMINER STANLEY, JANE L				
ART UNIT		PAPER NUMBER		
1796				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/555,859

Applicant(s)

AMICONI ET AL.

Examiner

JANE L. STANLEY

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 5, 17 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: the claim states "wherein at least one" and should instead read - - wherein the at least one - - or -- wherein said at least one --. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: the claim states "claim 1which" and should instead read -- claim 1 which --. Appropriate correction is required.

Claim 21 is objected to because of the following informalities: the claim states "containing a composition according to claim 1" and should instead read -- containing the composition according to claim 1 -- Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 5-7, 14-15, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Duffield (GB 2374830).

Regarding claim 1, Duffield teaches liquid (pg 13, ln 23) water-softening (pg 12, ln 13; pg 13, ln 15) compositions comprising: a) at least one water-softening active (carboxylates, pg 18, ln 28; citric acid, pg 19, ln 30; polymers, pg 20, ln 4-8); and b) an organic solvent (C₁-C₃ alcohols, i.e. ethanol, pg 20, ln 23-24); said composition

containing less than 35 wt% water (anhydrous or at least 5 wt% free water, pg 13, ln 24-25).

Regarding claims 3, 5-7, 14-15, 18 and 20, Duffield teaches all the claim limitations as set forth above and further teaches a water-softening composition:

- wherein the at least one water-softening active is a carboxylic acid (carboxylate and or the corresponding free acids, pg 19, ln 24-27) (**claim 3**);
- wherein at least one water-softening active is a water-softening polymer (polymers, pg 20, ln 4-8) (**claim 5**);
- wherein the water-softening polymer is a polycarboxylic acid polymer (polyacrylic acid, pg 20, ln 6) (**claim 6**);
- wherein the polycarboxylic acid polymer is a polyacrylic polymer (e.g. polyacrylic acid and polyacrylic/polymaleic polymers, pg 20, ln 6-7) (**claim 7**);
- which contains less than 15wt% of free water (anhydrous or at least 5 wt% free water, pg 13, ln 24-25) (**claim 14**);
- wherein the composition is anhydrous (anhydrous, pg 13, ln 24) (**claim 15**);
- which contains a monomeric polycarboxylic acid (citric acid, pg 19, ln 30) (**claim 18**);
- wherein the monomeric polycarboxylic acid is citric acid (citric acid, pg 19, ln 30) (**claim 20**).

Regarding claim 17, Duffield teaches all the claim limitations as set forth above. While Duffield teaches a water-softening composition with a pH of 7-9 (pg 21, ln 4-5), not taught is a water-softening composition wherein the pH when measured as a 5%wt

solution in deionized water at 20°C is less than 9. However, , since the composition disclosed is the claimed water-softening composition it is inherent, absent an objective showing to the contrary, that the composition of Duffield would have this property, a pH of less than 9, were it to be measured under the same conditions.

Regarding claim 19, Duffield teaches all the claim limitations as set forth above. Duffield, however, does not disclose the composition as having a viscosity of 500 to 1,000,000cps measured using a Brookfield viscometer with spindle S31 at 12 RPM and 20°C. While Duffield does not teach the viscosity of the composition being measured using a Brookfield viscometer with spindle S31 at 12 RPM and 20°C, since the composition disclosed is the claimed water-softening composition it is inherent, absent an objective showing to the contrary, that the composition of Duffield would have this property, a viscosity of 500 to 1,000,000cps.

Regarding claim 21, Duffield teaches all the claim limitations as set forth above and further teaches a water-soluble container containing a composition according to claim 1 (see above).

Regarding claim 22, Duffield teaches a water-soluble container (pg 3, 23; pg 4, In 18-21) containing a liquid water-softening composition (pg 12, In 13; pg 13, In 15) comprising: a) at least one water-softening active (carboxylates, pg 18, In 28; citric acid, pg 19, In 30; polymers, pg 20, In 4-8); b) an organic solvent (C₁-C₃ alcohols, i.e. ethanol, pg 20, In 23-24); c) an electrolyte (pg 9, In 5); and said composition containing greater than 35 wt% water (less than 80 wt%, pg 13, In 27; or at least 10 wt%, pg 13, In 25).

Regarding claims 23-24, Duffield teaches all the claim limitations as set forth above and further teaches:

- a container which comprises a thermoformed (pg 3, ln 21-23) water-soluble polymer (poly(vinyl alcohol), pg 4, ln 28-31) (**claim 23**);
- a container wherein the water-soluble polymer is a poly (vinyl alcohol) (poly(vinyl alcohol), pg 4, ln 28-31) (**claim 24**).

Claims 1-2, 4, 8-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee *et al.* (US PGPub 2001/006936).

Regarding claim 1, Lee *et al.* teaches liquid cleaning compositions (Table 1, [0026]) comprising: a) at least one water-softening active (EDTA, [0016]; EDTA ammonium salts and/or ammonium citrate, [0021]); and b) an organic solvent (e.g. propylene glycol, [0020], ln 4-5); said composition containing less than 35 wt% water (Table 1).

Regarding claims 2, 4, 8-13 and 16, Lee *et al.* teaches all the claim limitations as set forth above and further teaches a composition:

- wherein the at least one water-softening active is an acid (citric acid, Table 1) (**claim 2**);
- wherein the acid is partly neutralized (citric acid and alkanolamine, Table 1; EDTA and alkanolamine, Table 1) (**claim 4**);

- wherein the acid water-softening active is partly neutralized by an organic base (citric acid and alkanolamine, Table 1; EDTA and ammonia, [0016], In 12-15; EDTA and alkanolamine, Table 1) (**claim 8**);
- wherein the acid water-softening active that is neutralized is citric acid (ammonium citrate, [0021], In 3-4; citric acid and alkanolamine, Table 1) (**claim 9**);
- wherein the organic base is an alkanolamine (e.g. monoethanolamine, [0019], In 1-3) (**claim 10**);
- in which the alkanolamine is monoethanolamine, diethanolamine or triethanolamine ([0019], In 1-3) (**claim 11**);
- wherein the organic solvent is a glycol (propylene glycol, [0020], In 4-5) (**claim 12**);
- wherein the organic solvent monopropylene glycol ([0020], In 4-5) (**claim 13**);
- which comprises from 10 to 70 wt% of organic solvent (25% to 75% by weight, [0016]. In 6) (**claim 16**).

While Lee *et al.* does not teach a composition specifically for use as a water-softener, the compositions that are taught by Lee *et al.* include the use of compounds that are known in the art to function as water-softeners (i.e. EDTA, citric acid, etc.) and so it is inherent that said compositions would function in the same capacity with a reasonable expectation of success absent an objective showing to the contrary. As such, the composition(s) as taught by Lee *et al.* anticipate the applicant's claimed invention.

Response to Arguments

Claims 1-24 are pending. **Claims 8-9 and 23-24** have been amended, **claims 1-2, 6-7, 11, 13, 20 and 22** are as originally presented, and **claims 3-5, 10, 12, 14-19 and 21** are previously presented.

Applicant's arguments, see page 6, filed **14 August 2008**, with respect to the Oath and Declaration have been fully considered and are persuasive. The objection to the Oath and Declaration has been withdrawn.

Regarding the objections to **claims 5 and 21** for minor informalities, Applicant asserts they have amended these claims however, the claims' status identifiers indicate both **claims 5 and 21** as being previously presented and not, in fact, amended. As such, the objections to the claims are maintained, see previous office action.

Applicant's arguments, see page 7, with respect to the 112 second paragraph rejection of the term "water softening active," have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments filed **14 August 2008** have been fully considered but they are not persuasive.

Regarding Applicants traversal of the 35 U.S.C 102 (b) rejection over Duffield (GB 2374830). The Examiner agrees that in order for a reference to qualify as a 102(b) it must have been "published *more than one year prior* to the filing date of the present application" (Applicant's arguments, page 8, 4th paragraph). However, Applicants assert

that the effective filing date of the instant application is May 10 2003, this is in fact the **foreign priority** date of the application and not the effective filing date, which is May 7 2004. Applicant's attention is drawn to the following: "If the applicant claims foreign priority under 35 U.S.C 119 (a)-(d) or 365(a) or (b), the effective filing date is the filing date of the U.S. application" furthermore, "The filing date of the foreign priority document is not the effective filing date" (See MPEP 706.02(c)). As such, Duffield (GB 2374830) with a publication date of October 30 2002, qualifies as a 102(b) reference and therefore the previous rejection of **claims 1, 3, 5-7, 14-15 and 17-24** is maintained.

Regarding Applicants traversal of the 35 U.S.C 102 (b) rejection over Lee et al. (US PGPub 2001/006936). While Lee et al. does not specifically teach use of the compositions as water softening compositions, as the citric acid partially neutralized by an alkanolamine and organic solvent disclosed are the at least one water-softening active and organic solvent claimed, it is inherent that the composition of Lee et al. would have this property i.e. be capable of use as a liquid water-softening composition. As such, the previous rejection under 35 U.S.C. 102(b) of **claims 1-2, 4, 8-13 and 16** is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE L. STANLEY whose telephone number is (571)270-3870. The examiner can normally be reached on Monday-Thursday, 7:30 am - 5 pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/JLS/